

# LIBERTY TOWNSHIP LAND USE BOARD

## January 19, 2022 MEETING MINUTES

### Reorganization & Public Meeting

**Call to order & Flag Salute:** Due to technical difficulties, the meeting was called to order, a second and final time by **Desiree Dunn**, Land Use Board Secretary, at approximately 7:40PM. She invited all in attendance to salute the flag.

**Statement of compliance:** The Board Secretary proceeded to read a statement of compliance with the NJ Sunshine Law.

**Roll call & determination of quorum:** The Board Secretary called the Roll Call finding the following individuals present: **Wayne Jarvis, Eric Tibak, Dan Grover, Kevin Wulf and Pete Wicki**.

Absent members: **Dave Snyder, Joanne Ward, Doug Wright and Jennifer Cummings**.

Professionals in attendance: **Thomas F. Collins, Esq. of Vogel, Chait, Collins & Schneider and Autumn Sylvester, P.P. (Planner)**

The Board Secretary announced that there was a quorum of the Board.

**Oathes of office:** The Board Attorney administered the Oathes of Office to P. Wicki and D. Dunn.

**Reorganization of board:** The Board Attorney led the Board in the process of nominating and approval of the following two positions:

**Chairman** – E. Tibak motioned to nominate **W Jarvis**. His MOTION was seconded by P. Wicki. His Motion passed unanimously. No objections. No abstentions.

**Vice Chairman** – W. Jarvis, as Chairman, motioned to nominate **K. Wulf**. His MOTION was seconded by P. Wicki. His Motion passed unanimously. No objections. No abstentions.

### **Resolutions for professional appointments:**

Board Professionals including salaries – Discussion ensued confirming that the resolutions had been e-mailed to the Board by E. Snyder. P. Wicki motioned in total to accept the resolutions and nominated R. Schneider, esq. to serve as the Board Attorney; Paul Ferriero, P.E. to serve as the Board Engineer; and, Eric Snyder, P.P. (Autumn Sylvester, P.P. Planner) to serve as the Board Planner. His MOTION was seconded by E. Tibak. Motion passed unanimously. No objections. No abstentions.

### **REGULAR PUBLIC MEETING:**

**Sunshine Law:** The Board Attorney read the Open Public Meeting statement again.

**Minutes:** December 15th Minutes were not made available, and The Attorney verbally amended the Agenda to show that they were to be voted on February 16<sup>th</sup>.

**Applications for development / resolutions:** There were no applications to consider.

**Board Discussion:** Potential solar energy ordinance. The Board Attorney offered that it is only in the initial phase and not ready for adoption. The Board Planner presented documents for review containing the drafts of the proposed solar ordinance, culminating in Draft #3; relevant copies of township ordinances and the resulting review documents and maps; the original draft resulting from discussions at the December meeting; and relevant portions of the MLUL relating to solar. Her presentation outlined the purpose and different definitions, setbacks, zoning permits required for ground mounted equipment. Changes are now shown in Draft #3 regarding sensitive land areas, screening, privacy fencing, prohibitions and consequences for lack of adequate visual screening. Minor site plans required. Specific zones required per type of zoning. The State legislation now allows solar installations in Industrial zones but giving towns the responsibility of setting parameters. Discussion ensued regarding Agricultural Zones being permitted to have solar & wind energy installations as ancillary uses as Right to Farm. Franklin and Hope solar ordinances were discussed. Board discussed how all residential zones allow agricultural use and wants the agricultural parameters spelled out in Liberty's ordinance as well as the tax implications as commercial / renewable energy facilities for applicants and the town at large. More information is needed as to how other towns are handling this. The Planner asked for screening specifications – berms, vegetative heights, species and age at installation. 500-ft. setbacks from wetlands / streams discussed and the Planner pointed out that the ordinance would zone out solar from the I-2 because of proximity to Pequest River. Board members proceeded to review the zoning map relative to specific properties. Mentioned where solar installations would be allowed as primary uses versus accessory and their required setbacks. Firefighting issues discussed and best to include proper cut offs. Minimum size of the main floor of the house versus the size of the solar array. The Attorney summed up the directions for further review and fine tuning of the proposed ordinance. Board members want definitions of natural screening versus artificial. Distances effecting visual impact. On certain properties, the distance would be so great as to make the need for screening irrelevant. The Chairman mentioned that he would want all future drafts sent separately and not part of a long email chain of comments.

**Additional Board Appointments: Board Secretary** – The Chairman motioned in total to appoint D. Dunn as Board Secretary and accept the **2022 Meeting Calendar.**, as follows:

(See attached 2022 LUB Meeting Schedule as approved by the Board.)

His MOTION was seconded by P. Wicki. Motions passed unanimously. No objections. No abstentions.

**Official Newspapers** – E. Tibak made a MOTION to continue using the Express Times NJ Zone and Daily Record as the Official newspaper for Public Notices. K. Wulf seconded. His Motion passed unanimously, No objections. No abstentions.

**Bills:** D. Dunn presented the individual bills for –

- E. Snyder - \$840 (salary),
- E. Snyder - \$262.5 (Hope Road)
- Vogel, Chais, \$511.50 (warehouse - correction),
- Vogel, Chais170.50 (Hope Road) \*billed against Escrow

**E. Tibak motioned to accept. Seconded by K. Wulf. MOTION passed unanimously. No objections. No abstentions.**

**Public Comment:** Susanne Buchanan from Lake Just-It Road, with other property on Hope Road, asked why the solar ordinance and are there any large properties that are ideal for field arrays. Board members responded in the affirmative. Offered to show her the map. Mentioned specific lots and owners. Discussion ensued how to get ahead of it before applications. Muck land would be off-limits for this use it is best used for agricultural productivity. The use is growing in popularity Mr. Thomas of Lakeside Drive East asked why the town can't stop them. is growing in popularity. The Planner said it's just a matter of staying proactive. Lisa Thomas of Lakeside Drive East said she feels a little bit better when learning about the town's plans but what's to stop the State from allowing them anyway. The Attorney thanked the public for attending.

**Adjournment: @ 9PM,** a MOTION to adjourn the meeting was made by E. Tebak. Seconded by K. Wulf. Motion passed unanimously. No objections. No abstentions.

Minutes presented by:

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Desiree L. Dunn, Land Use Board Secretary

**APPROVED April 27, 2022, as amended 4-20-22**